

UNAPPROVED
Completed on
February 2, 2004

MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 15, 2004

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:17 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy announced that the election of Commission officers would be held on Thursday, January 22, 2004. He noted that the Commission would not meet on January 21 and 29, 2004.

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Commissioner Lawrence MOVED THAT THE PUBLIC HEARING ON RZ 2003-PR-009, UNIWEST GROUP, L.L.C., BE DEFERRED TO A DATE CERTAIN OF FEBRUARY 11, 2004.

Commissioner Byers seconded the motion which carried unanimously.

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#6279-SP-02 – MOORE CADILLAC/HUMMER (Hunter Mill District)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE THE ELEVATIONS OF MOORE CADILLAC/HUMMER FOR THEIR ADDITION TO THE PARKING LOT.

Commissioners Byers and Koch seconded the motion which carried unanimously.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. PCA 86-P-089-6/FDPA 86-P-089-3 - THE PETERSON COMPANIES L.C.
PCA 86-W-001-10/FDPA 86-W-001-5-2-2 - THE PETERSON COMPANIES L.C.
PCA 82-P-069-13/FDPA 82-P-069-14-3 - THE PETERSON COMPANIES L.C.
2. FDPA 1996-LE-034 - SPRINGFIELD EAST, L.C.
FDPA 82-L-030-8-1 - SPRINGFIELD EAST, L.C.
3. RZ/FDP 2002-PR-031- ERNESTO V. AND NILA M. CASTRO

This order was accepted without objection.

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Chairman Murphy relinquished the Chair to Vice Chairman Byers because the following case was in the Springfield District.

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PCA 86-P-089-6/FDPA 86-P-089-3 - THE PETERSON COMPANIES L.C. - Appls. to amend the proffers and final development plan for RZ 86-P-089 previously approved for mixed use development (office and retail) to permit mixed use development (residential and retail) with an overall Floor Area Ratio (FAR) of 0.48 including bonus density for the provision of Affordable Dwelling Units (ADUs). Located in the S.W. quadrant of the intersection of Fair Lakes Pkwy. and West Ox Rd., N. of Interstate 66 on approx. 3.29 ac. of land zoned PDC and WS. Comp. Plan Rec: Fairfax Center Area: residential mixed use at overlay level. Tax Map 55-2 ((1)) 15 pt. (Concurrent with PCA 82-P-069-13, FDPA 82-P-069-14-3, PCA 86-W-001-10 and FDPA 86-W-001-5-2-2.)
SPRINGFIELD DISTRICT.

PCA 86-W-001-10/FDPA 86-W-001-5-2-2 - THE PETERSON COMPANIES L.C. - Appls. to amend the proffers and final development plan for RZ 86-W-001 previously approved for mixed use (retail and office) to permit mixed use development (retail and residential) with an overall Floor Area Ratio (FAR) of 0.48, including bonus density for the provision of Affordable Dwelling Units (ADUs). Located in the S.W. quadrant of the intersection of Fair Lakes Pkwy. and West Ox Rd., N. of Interstate 66 on approx. 30.79 ac. of land

PCA 86-P-089-6/FDPA 86-P-089-3 - THE PETERSON COMPANIES January 15, 2004
PCA 86-W-001-10/FDPA 86-W-001-5-2-2 - THE PETERSON COMPANIES
PCA 82-P-069-13/FDPA 82-P-069-14-3 - THE PETERSON COMPANIES

zoned PDC and WS. Comp. Plan Rec: Fairfax Center Area: residential and mixed use at overlay level. Tax Map 55-2 ((1)) 15 pt. (Concurrent with PCA 82-P-069-13, FDPA 82-P-069-14-3, PCA 86-P-089-6 and FDPA 86-P-089-3.) SPRINGFIELD DISTRICT.

PCA 82-P-069-13/FDPA 82-P-069-14-3 - THE PETERSON COMPANIES L.C. - Appls. to amend the proffers and final development plan for RZ 82-P-069 previously approved for mixed use development to permit mixed use development with no attributable Floor Area Ratio, (FAR) on the subject portion. Located N. of Interstate 66, approx. 2,000 ft. W. of West Ox Rd., E. of Fair Lakes Ci. and S. of Fair Lakes Pkwy. on approx. 1.45 ac. of land zoned PDC and WS. Comp. Plan Rec: Fairfax Center Area: office mixed use at overlay level. Tax Map 55-2 ((1)) 14B1 pt. (Concurrent with PCA 86-P-089-6, FDPA 86-P-089-3, PCA 86-W-001-10 and FDPA 86-W-001-5-2-2.) SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Frank McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavits dated December 3 and December 24, 2003. Commissioner Hart recused himself from participation in this public hearing. ***(Note to proofreaders: Mr. Hart did not give a reason for recusing himself.)***

Commissioner Murphy noted that he was going to defer the decision on these applications after the close of the public hearing.

Bill Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Mr. McDermott distributed an illustrative site plan, a copy of which is in the date file. He identified the location of the subject property and described the surrounding development. He said the applicant desired to develop two types of multi-family units, a mid-level building with a parking deck on the western portion of the property, and stacked townhouses on the eastern portion. He explained that the property was an urban site near office, retail, and residential uses, and within walking distance of the Fairfax County Government Center. He described the design and layout of the proposed development and said this type of housing was in great demand today by people who wanted no maintenance responsibilities and desired convenient access to retail and employment centers. He noted that the proposed noise wall would be moved about 30 or 40 feet to the south, closer to I-66, which would require an increase in the amount of right-of-way dedication.

In response to a question from Commissioner Alcorn, Mr. McDermott said a substantial internal pedestrian network would be provided with sidewalks on both sides of the street. In response to

another question from Commissioner Alcorn, he said he did not know at this time how pedestrians would access the nearby shopping center where Galyans was located.

Responding to a question from Vice Chairman Byers, Mr. McDermott pointed out that although it was not shown on the development plan, parking would be provided on the eastern side of building S-1.

In response to a question from Commissioner Wilson, Mr. McDermott indicated that the sound wall along I-66 would be tall enough so people would not be able to climb over it. Mr. Mayland added that the natural topography of the site would also make it very difficult to use as an access way.

Continuing his presentation, Mr. McDermott reviewed the internal roadway system, buffering, courtyards, building elevations, architectural elements, retail center, and village green area in the middle of the stacked townhouses, as shown on the illustrative site plan. He noted that driveways would be located in the rear of the buildings and amenities would include a pool, a fitness center, a multi-purpose court, and shuttle bus service to the Vienna Metro Station. In conclusion, he said the proposed mixed-use development with retail and multi-family components in an urban setting addressed a significant market demand.

Responding to a question from Vice Chairman Byers, Mr. McDermott said the greenspace south of building S-1 was currently being used as an interim parking lot, but would ultimately become right-of-way when I-66 was widened.

In response to questions from Commissioner Wilson, Mr. McDermott said the sidewalks in the retail plaza would be approximately 15 feet wide and that the athletic fields next to Galyans were temporary and would be eliminated. He pointed out that the applicant would contribute \$378 per residential unit to the Park Authority for recreation facilities at Popes Head Park, in addition to the \$955 required by the Zoning Ordinance.

Mr. Mayland responded to a question from Commissioner Wilson about the distance between the townhouses and I-66. Responding to another question from Commissioner Wilson, he said the sound wall would be made out of precast concrete and would comply with Virginia Department of Transportation criteria.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that rebuttal was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on these applications. (A verbatim excerpt is in the date file.)

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PCA 86-P-089-6/FDPA 86-P-089-3 - THE PETERSON COMPANIES January 15, 2004
PCA 86-W-001-10/FDPA 86-W-001-5-2-2 - THE PETERSON COMPANIES
PCA 82-P-069-13/FDPA 82-P-069-14-3 - THE PETERSON COMPANIES

Commissioner Murphy MOVED TO DEFER DECISION ON THE PETERSON COMPANIES L.C. APPLICATIONS TO A DATE CERTAIN OF JANUARY 22, 2004 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Hart not present for the vote.

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Chairman Murphy resumed the Chair.

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FDPA 1996-LE-034 - SPRINGFIELD EAST, L.C. - Appls. to amend the final development plan for RZ 1996-LE-034 previously approved for a regional library to permit athletic fields as an interim use. Located in the N.E. quadrant of Beulah St. and Silver Lake Blvd. on approx. 2.19 ac. of land zoned PDH-8. Tax Map 91-3 ((9)) 8B pt. (Concurrent with FDPA 82-L-030-8-1.) LEE DISTRICT.

FDPA 82-L-030-8-1 - SPRINGFIELD EAST, L.C. - Appls. to amend the final development plan for PCA 82-L-030-11 previously approved for a regional library to permit athletic fields as an interim use. Located in the N.E. quadrant of Beulah St. and Silver Lake Blvd. on approx. 4.46 ac. of land zoned PDH-8. Tax Map 91-3 ((9)) 8B pt. (Concurrent with FDPA 1996-LE-034.) LEE DISTRICT. JOINT PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed Smith L.L.C., reaffirmed the affidavit dated December 5, 2004. Commissioner Hart disclosed that although his law firm had two matters pending with Mr. Lawrence's law firm, it would not affect his ability to participate in these cases.

Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission approve these applications.

Mr. Lawrence stated that when the applicant had received approval to rezone nearby property, the construction of athletic fields as an interim use at the site of the future Kingstowne Regional Library had been proffered, subject to FDPA approval. He said these applications were merely a follow-through of that proffer for the fields and associated parking.

Responding to a question from Chairman Murphy, Mr. Lawrence said that signs would be posted on the property indicating that the fields were an interim use and would be eliminated when construction of the library began.

Commissioner Lusk noted that there was a sign on the property stating that it was "The Proposed Home of the Kingstowne Library."

In response to a question from Commissioner Harsel, Mr. Braham said the library was currently listed on the Capital Improvement Program as a project, however, funding had not yet been identified. In response to another question from Commissioner Harsel, Mr. Braham said that lines could be marked on the stones in the parking lot to delineate the spaces, but would disappear over time. Commissioner Byers commented that in a similar situation in the Mount Vernon District, timbers had been used to mark the parking spaces.

Chairman Murphy called for speakers from the audience, but received no response. He noted that rebuttal was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 82-L-030-8-1 AND FDPA 1996-LE-034, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Alcorn seconded the motion which carried unanimously.

Commissioner Lusk MOVED THAT THE TRANSITIONAL SCREENING YARD AND BARRIER REQUIREMENTS BE WAIVED ALONG BEULAH STREET AND SILVER LAKES DRIVE.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Lusk MOVED THAT THE PARKING LOT LANDSCAPING REQUIREMENTS BE WAIVED AND THAT THE TREE COVER REQUIREMENTS BE DEFERRED UNTIL THE REGIONAL LIBRARY WAS CONSTRUCTED.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Lusk MOVED THAT THE REQUIREMENT FOR A DUSTLESS SURFACE FOR THE PARKING LOT FOR THE SOCCER FIELDS BE WAIVED.

Commissioners Wilson and Byers seconded the motion which carried unanimously.

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RZ/FDP 2002-PR-031- ERNESTO V. AND NILA M. CASTRO -
Appl to rezone from R-1 to PDH-2 to permit residential development at a density of 1.58 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located on the S. side of Arlington Blvd. approx. 500 ft. E. of its intersection with Barkley Dr. on approx 2.53 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 48-4 ((1)) 40. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich, and Terpak, P.C., reaffirmed the affidavit dated February 24, 2003. Commissioner Hart disclosed that he had a matter pending with Ms. Strobel's law firm, but that it was unrelated to the subject case, there was no financial relationship, and it would not affect his ability to participate in this case.

Commissioner Lawrence indicated that he would defer the decision on this matter after the close of the public hearing to February 11, 2004.

Mavis Stanfield, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Strobel stated that in July 2002 the applicant had filed a request to rezone the subject property from the R-1 District to the R-2 District to allow construction of five homes at a density of 1.97 dwelling units per acre. She noted that although the original proposal received a favorable staff recommendation, the Planning Commission deferred its decision to allow time for the applicant to address concerns raised at the public hearing. She said since that time the application had been amended to request zoning to the PDH-2 district for four dwellings at a density of 1.58 dwelling units per acre. She explained that stormwater management would be provided on-site to improve drainage conditions in the area. She said a large area of open space with existing trees along the southern portion of the property would provide a buffer to the adjacent residential community. She pointed out that private streets would lessen the amount of impervious surface, interparcel access to lot 41 would be provided, and the access to Route 50 would be realigned. She noted that all transportation issues had been addressed. She said proffers provided for an off-site trail as well as contributions for recreational facilities, the Fairfax County Housing Trust Fund, and Woodson High School. She explained that the proposal was in harmony with residential development criteria which had been adopted during the time this case was pending. She emphasized that the applicant had taken every step to ensure that the development would be of high quality with no adverse impact on the surrounding communities. She noted that the final engineering plans and stormwater management calculations would be

provided at the time of subdivision review. She said existing traffic patterns on Route 50 required a maximum fence height of eight feet. She noted that the applicant had worked closely with Fran Wallingford, the neighborhood representative, and would continue to work with area residents to resolve outstanding issues.

Ms. Strobel and Allan Baken, with Charles P. Johnson and Associates, Inc., responded to questions from Commissioners Alcorn and Lawrence about stormwater management issues.

In response to a question from Commissioner Wilson, Ms. Stanfield said staff supported the requested waiver of the trail requirement because the applicant had agreed to provide off-site trail improvements which would better serve the community.

Ms. Strobel responded to questions from Commissioner Harsel about the interparcel connection, parking, and maintenance of the private streets.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Ruth Knee, 8809 Arlington Boulevard, Fairfax, said that her major concerns were stormwater management, the possibility of a service road connecting to Barkley Drive or Chichester Lane, environmental changes resulting from the removal of the tree canopy, and the unspecified architectural style of the new homes. (A copy of her remarks is in the date file.)

Linda Hansen, 8815 Arlington Boulevard, Fairfax, expressed opposition to the applicant's proposal due to concerns about a service drive and stormwater management. She said a service drive would exacerbate unsafe driving conditions in the area and noted that there were many unanswered questions about the stormwater management plan. (A copy of her remarks is in the date file.)

Jamie Valentine, 3122 Barbara Lane, Fairfax, also representing Elizabeth Coe, said she did not support the proposed development due to unsolved stormwater management issues. She said the property had marginal sub-service drainage and a high erosion potential and she questioned the runoff calculations submitted by Charles P. Johnson and Associates. She presented pictures of homes in the area showing standing water in their yards.

John Nicholas, 3123 Barbara Lane, Fairfax, said the proposal was not innovative and did not meet PDH criteria for site design, neighborhood context, environment, tree save, and transportation. He submitted slides supporting his position, a copy of which is in the date file.

John Claman, 8754 Copeland Pond Court, Fairfax, Vice President, Copeland Pond Community Association, said he was concerned that runoff from the Castro property would negatively affect wildlife and the water quality and quantity of Copeland Pond.

Fran Wallingford, 3230 Wynford Drive, Fairfax, speaking on behalf of the Mantua Citizens Association and the Pineridge Civic Association, said the area had enough drainage problems

without adding additional runoff. She questioned why the service drive was now back on the table when the applicant's attorney said it would cause unsafe traffic movement. She said the project had a lot of loose ends and was not something the community could support.

Edgar Britt, 3128 Barbara Lane, Fairfax, said he owned property adjacent to the Castro property and drainage had been a problem for the 23 years he had lived there.

Charles Johnson, address unknown, a member of the Board of Trustees for the Fairfax Circle Baptist Church, said he was not speaking either for or against the proposal, but would like to know whether a service drive would be constructed and if so, where it would be located. He also cited unsafe traffic conditions in the area which he said would worsen if a service drive was constructed.

There were no further speakers, therefore, Chairman Murphy called upon Ms. Strobel for rebuttal remarks.

Ms. Strobel said the development plan showed direct access to Arlington Boulevard, but the proffers reserved the right to construct a service drive only if it was required by the Virginia Department of Transportation at the time of subdivision. She noted if a service drive was constructed it would be totally within the existing right-of-way and it would not be necessary to acquire property adjacent to Route 50. Addressing stormwater management concerns, she said the application property would be graded in such a way that water would be directed to Copeland Pond which would have a positive affect on the surrounding properties because water that was now coming straight across the property would be directed into the pond. She explained the calculations made by Mr. Baken were different because in December 2002 calculations had been based on a total drainage area of 4.4 acres, but in December 2003 they had been based on 2.53 acres. She added that the calculations were appropriate at this stage in the process and went beyond what was typically required in a rezoning to ensure that stormwater management was addressed. She said a letter from the attorney for Fairfax Circle Baptist Church, John McBride, Esquire, indicated that the trustees agreed in concept to granting the standard Fairfax County underground storm drainage and sanitary sewer easements across their parking area. She said the trustees also agreed in concept to support the Castro rezoning application if a fence and transitional landscape screening was provided along the common boundary. She said the applicant had agreed verbally to those conditions and was working out a formal agreement with the church. She explained that P-District zoning was being requested, not to increase density, but to increase open space, and that private streets would reduce the amount of impervious surface. She said she would like to schedule a meeting with neighbors and the applicant's engineers to further address these issues.

Ms. Strobel and Ms. Stanfield responded to questions from Commissioners Hart and Harsel about interparcel access, lot sizes, easement dimensions, front yard setback requirements, and the orientation of the houses.

Ms. Strobel and Kristen Abrahamson, ZED, DPZ, responded to questions from Commissioner Wilson about the rear yard requirement for Lot 2, the stormwater management pond, and the contributions for parks and schools.

Responding to a question from Commissioner Alcorn, Ms. Abrahamson said that if a stormwater management pond was private, permission would have to be received from the owners to use it and if it was a public pond, the County would be responsible for obtaining and maintaining the easements.

Commissioner Alcorn recalled Mr. Claman to the podium. Mr. Claman identified the location of the easements for Copeland Pond and said they were public. Commissioner Alcorn asked staff to clarify the relationship between the public easements and the private pond before a decision was made on this application.

Commissioner de la Fe commented that in Reston if someone wanted to use a private pond, they had to have permission of the owner and contribute to its maintenance.

In response to a question from Commissioner Harsel, Mr. Baken said the size of the pipe going into the retention pond on the Castro property would be 18 inches.

The Commission had no further comments and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on these applications.

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Commissioner Lawrence MOVED TO DEFER THE DECISION ONLY ON RZ/FDP 2002-PR-031 TO A DATE CERTAIN OF FEBRUARY 11, 2004 WITH THE RECORD TO REMAIN OPEN.

Commissioners Alcorn and Byers seconded the motion which carried unanimously.

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The meeting was adjourned 10:37 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

January 15, 2004

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on:

Karen M. Everett, Clerk to the
Fairfax County Planning Commission